

## HOLM &amp; O'HARA LLP

ATTORNEYS AT LAW

3 WEST 35TH STREET

NEW YORK, NEW YORK 10001-2204

(212) 682-228C

FAX (212) 682-2153

www.holmandohara.com

VINCENT F. O'HARA  
 WILLIAM P. HOLM\*  
 MICHAEL L. LANDSMAN  
 CAROL G. DELL\*\*

—  
 ABBEY M. GRUBER\*  
 MARION M. LIM  
 VALERIA A. KOZHICH  
 CHRISTA BOYD-NAFSTAD

\* ALSO ADMITTED IN CT  
 \*\* ALSO ADMITTED IN NJ

CONNECTICUT OFFICE  
 73 MAIN STREET  
 P.O. Box 215  
 SHARON, CT 06069  
 (860) 364-0627

April 11, 2008

REC'D  
CHAMBERS

APR 11 2008

U.S. DISTRICT COURT  
JUDGE SCHEINDLIN  
DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 4-14-08

Via Facsimile  
 The Honorable Shira A. Scheindlin  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl St., Room 1620  
 New York, NY 10007

Re: *Coleman et al. v. JV Excavators and Contractors, LLC*  
 07-CV-9404 (SAS) (RLE)  
 Our File No. 4754.003

Dear Judge Scheindlin,

The law firm of Holm & O'Hara LLP represents the Plaintiffs in the above referenced case. Plaintiffs write to request permission from the Court to move for default against Defendants for their failure to comply with the Court's February 28, 2008 order.

On February 28, 2008, the Court held a conference with the parties in connection with the above referenced action. Vincent F. O'Hara, Esq., with Holm & O'Hara LLP, appeared on behalf of plaintiffs and Paul Mandal, Esq., with Dreifuss, Bonacci and Parker, LLP, appeared on behalf of defendants, JV Excavators and Contractors, L.L.C. ("JV") and John Veteri (collectively "Defendants"). At the February 28, 2008 conference, Mr. Mandal advised the Court that he was having difficulty reaching his client to communicate with him regarding this action. The Court then ordered Defendants to produce Defendants' 26(a) Initial Disclosures to plaintiffs within three (3) weeks (March 21, 2008). To date, Defendants have not produced the Initial Disclosures in violation of this Court's order. Therefore plaintiffs respectfully request that this Court grant plaintiffs permission to move for default against Defendants for their failure to comply with the Court's February 28, 2008 order.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,  
 Carol G. Dell  
 cdell@holmandohara.com

cc: Paul Mandal, Esq. (via facsimile) (973-514-5959)  
 Magistrate Judge Ellis (via FedEx)

LAWFOOLlocal 7544754.003-JV Excavators Letter to Judge Scheindlin 04-default request.doc

So Ordered: *John H. Dell* USDC 08-4754-1  
 April 11, 2008

*to move for a  
 default judgment  
 granted*